

MINUTES

MONTANA SENATE 57th LEGISLATURE - REGULAR SESSION COMMITTEE ON FISH AND GAME

Call to Order: By **CHAIRMAN MIKE SPRAGUE**, on March 20, 2001 at 3 P.M., in Room 422 Capitol.

ROLL CALL

Members Present:

Sen. Mike Sprague, Chairman (R)
Sen. Jack Wells, Vice Chairman (R)
Sen. Al Bishop (R)
Sen. Edward Butcher (R)
Sen. William Crismore (R)
Sen. Pete Ekegren (R)
Sen. Jon Ellingson (D)
Sen. Eve Franklin (D)
Sen. Debbie Shea (D)
Sen. Bill Tash (R)
Sen. Jon Tester (D)

Members Excused: None.

Members Absent: None.

Staff Present: Roberta Opel, Committee Secretary
Mary Vandembosch, Legislative Branch

Please Note: These are summary minutes. Testimony and discussion are paraphrased and condensed.

Committee Business Summary:

Hearing(s) & Date(s) Posted: HB 554, 3/20/2001;
HB 569, 3/20/2001; HB 306, 3/20/2001;
HB 454, 3/20/2001; HB 282, 3/20/2001

Executive Action: HB 554; HB 569; HB 306; HB
454; HB 282; HB 569

EXECUTIVE ACTION ON HB 554

(NOTE: THERE IS ONLY ONE TAPE, #1, FOR THIS SERIES OF EXECUTIVE ACTION).

Motion/Vote: SEN. BILL CRISMORE MOVED TO AMEND HB 554, (HB 055401 amv). **EXHIBIT**(fis63a01)

Discussion:

SEN. CRISMORE asked **Mary Vandenbosch, legislative staffer,** to explain the proposed amendments.

Mary Vandenbosch told the committee that the 401.amv amendments would remove the entire section relating to sheep and mountain goat fees, thereby reverting to current law.

SEN. JON TESTER asked **Dave Mott, Chief Financial Director, FWP,** if the \$750 sections inserted into the amendments were refundable monies.

Mr. Mott replied that they were refundable.

SEN. TESTER asked how many moose and mountain sheep could be harvested on one permit.

Mr. Mott answered these limits are set by quotas yearly. Currently, there are 16 moose permits, 75 sheep and 16 goat permits available.

SEN. TESTER asked if money would be refunded if a hunter was unsuccessful in the drawing.

Mr. Mott answered that the money would be refunded.

SEN. BILL TASH asked **Mr. Mott** the purpose behind striking the \$1,000 in amendment 401.amv.

SEN. BILL CRISMORE asked why section 9 was struck in its entirety from amendment 401.amv.

Jean Johnson, Executive Director, Montana Outfitter's & Guides Association, explained there were different permit fees for different kinds of elk and deer permits.

Stan Rouch, Montana Bowhunter's Association, phoned in a message of "strong support for HB 554."

Motion/Vote: SEN. CRISMORE MOVED HB 554 BE CONCURRED IN AS AMENDED. The motion carried, 9-0, with SENATOR EVE FRANKLIN voting "no."

EXECUTIVE ACTION ON HB 569

Discussion: Mary Vandembosch, legislative staffer, told the committee that she had spoken to the bill drafter regarding subsection 2 of the bill. This section does not apply to outfitters, she told the committee.

Motion: SEN. TESTER MOVED TO AMEND HB 569, (HB 056901.amv). **EXHIBIT**(fis63a02)

Vote: The motion carried unanimously, 10-0.

Motion/Vote: SEN. ED BUTCHER MOVED HB 569 BE CONCURRED IN AS AMENDED.

Discussion:

SEN. JACK WELLS stated that newly licensed outfitters would be able to obtain an NCHU (Net Client Hunter Use).

Mary Vandembosch said there were no requests for NCHU's after April 30, 1999.

SEN. WELLS asked Jean Johnson if the proposed amendment, 901.amv, would help clarify the bill.

Mary Vandembosch replied the amendment did offer clarification.

Vote: The motion carried unanimously, 11-0.

EXECUTIVE ACTION ON HB 306

Motion: SEN. MIKE SPRAGUE MOVED HB 306 BE CONCURRED IN.

Vote: The motion carried 6-5 with SENATORS BISHOP, ELLINGSON, FRANKLINN, SHEA and TESTER VOTING "no." **EXHIBIT**(fis63a03)

Discussion:

SEN. TASH recalled there was only one proponent and one opponent to SB 306.

SEN. CRISMORE said licenses would be taken from the general out-of-state pool.

SEN. DEBBIE SHEA said HB306 establishes a special class of Montana hunters; those with money.

SEN. EVE FRANKLIN asked **Jeff Hagener, Director, FWP**, if the department establishes these familial relationships for the licenses contained in this bill.

Mr. Hagener replied that amendments to HB 306 were previously submitted with his hearing testimony.

SEN. CRISMORE asked if the FWP amendment had been drafted.

Mary Vandembosch said that no member of the committee had requested these amendments.

SEN. TESTER asked **Mr. Hagener** how to prove family relationship for purposes of a hunting license.

SEN. SHEA asked if degrees of kindred was a problem.

SEN. SPRAGUE asked for clarification of the kindred issue that was being addressed.

REP. JOE BAYLEAT, HB 306 sponsor, told the committee that HB 306 allows for purchase of a hunting license without an outfitter.

SEN. BUTCHER noted there could be "heartburn" over the degrees of kinship.

SEN. BUTCHER asked **Mr. Hagener** if the committee could alleviate the genealogical chart.

Mr. Hagener said the degree of kinship would come forward in the application process.

SEN. BUTCHER asked if this degree of kinship process would be an issue for FWP.

SEN. FRANKLIN suggested the degree of kinship concept was "unsportsmanlike" and noted that the concept of the bill was "odd."

Motion: SEN. FRANKLIN MOVED TO TABLE HB 306.

Discussion:

SEN. WELLS read FWP amendments to HB 306 to the committee. He stated department amendments removed the \$12 per day fee and would require an individual to hunt with a family member.

SEN. JON ELLINGSON asked what difference it would make if a pool of licenses is developed.

Mr. Hagener said there were currently 11,500 applications in the pool.

SEN. ELLINGSON asked if it was "a good thing?"

Mr. Hagener said from the department standpoint, it might be a good thing.

SEN. SPRAGUE told **Mr. Hagener** he had never drawn an elk tag. He wondered if this bill would improve or lessen his opportunities in the future. (laughter).

Mr. Hagener said his opportunities would only be lessened if he left Montana.

SEN. BUTCHER suggested there would be more access for hunting.

SEN. WELLS said some kids wouldn't be able to afford to come back to Montana to hunt and suggested this type of hunting opportunity was a "rich man's sport." He said he believed HB 306 was a good bill, in general, for Montanans and was a "better way to treat Montana folks and have their families join in hunting."

SEN. AL BISHOP asked **Jeff Barber, Montana Wildlife Federation**, to explain their opposition to HB 306.

Mr. Barber said the main problem the federation has with the bill is the "finite pie slice for outfitters."

SEN. FRANKLIN asked **REP. BAYLEAT** how he envisioned kinship could be established fairly.

REP. BAYLEAT referred to the kinship chart he submitted at the hearing.

SEN. SPRAGUE asked how many states used the kinship concept.

REP. BAYLEAT replied that Alaska used this concept for certain species.

SEN. PETE EKEGREN told **REP. BAYLEAT** that he had concern for local hunters getting a "square deal."

REP. BAYLEAT said the bill would take some names in the lottery pool and say these tags can be purchased by relatives. Hunters who took part in this drawing would not necessarily be guaranteed a license in the first year.

SEN. TESTER asked if they would not be guaranteed a license.

REP. BAYLEAT replied that licenses would be sold on a first-come, first-served basis.

SEN. ELLINGSON asked **Mr. Hagener** if one mechanism could be to simply sign an affidavit.

Mr. Hagener said methodology would have to be established to verify this information.

SEN. SPRAGUE asked **Jean Johnson** if these licenses would come out of the outfitter's, guaranteed pool.

Jean Johnson said family members could hunt alone or with their family.

Jean Johnson said that she had testified as a proponent of the bill. However, now she was hearing opposition from resident sportsmen. She added that the bill wouldn't make sense if the sportsmen didn't want it.

Vote: The motion to TABLE HB 306 carried 6-5. **EXHIBIT(fis63a04)**

SEN. SPRAGUE told the committee he was opposed to the bill but wanted to move it onto the Senate floor for debate.

EXECUTIVE ACTION ON HB 454

Discussion: **Mary Vandebosch** explained amendment 403.amv to the committee.

Motion: **SEN. WELLS MOVED TO AMEND HB 454, (HB045403.ads)**

Discussion: **Mary Vandebosch** told the committee the amendments allow the department to issue either sex elk and antlerless permits. The purpose of this amendment is to clarify the House amendment. She stated the amendment was a cleanup measure to allow access for public elk hunting. **EXHIBIT(fis63a05)**

Motion: **SEN. TASH MOVED HB 454 BE CONCURRED IN.**

He stated he had difficulty following all of the proposed amendments and therefore did not support their passage.

SEN. SPRAGUE remarked that some of the amendments were from the department.

Mr. Hagener stated their amendment was procedural.

SEN. SPRAGUE asked the committee what their preference would be regarding amendments to the bill.

SEN. WELLS commented that he felt the amendments were necessary.

SEN. BUTCHER stated that he was "comfortable" with the amendments.

Vote: The motion carried unanimously.

Motion: **SEN. BISHOP MOVED TO AMEND HB 454, (HB045402.amv).**
EXHIBIT (fis63a06)

Discussion: **SEN. SRAGUE** asked if this amendment addressed department concerns.

SEN. BUTCHER asked about the purpose of the amendment.

Motion: **SEN. TESTER MOVED TO AMEND HB 454 AS AMENDED by inserting first-come, first-serve.**

Vote: The motion carried unanimously, 11-0.

Discussion:

SEN. BISHOP explained that amendment 402.amv prohibits landowners from leasing to an outfitter.

SEN. BISHOP asked **Jean Johnson** if she could support this amendment.

Jean Johnson said it was only fair that MOGA would agree with this amendment.

Motion: **SEN. BISHOP WITHDREW HIS MOTION TO AMEND HB 454.**

SEN. SHEA said the Montana Wildlife Federation had asked **SEN. BISHOP** to include amendment 402.amv allowing tags for landowners if land is opened to hunters.

SEN. TASH reiterated that he did not like HB 454 amendments.

Mary Vandnebosch said she did draft the amendments to fit together: if amendments 402.amv are moved, the committee needs to also move 401.amv amendments, she told the committee.

SEN. TESTER said the committee already struck amendments to the bill.

Motion: **SEN. BISHOP MOVED TO AMEND THE MOTION TO ADOPT 401.amv AND 402.1mv AMENDMENTS TO HB 454.**

Vote: **SEN. CRISMORE** told the committee that he was opposed to HB 454 amendment 402.amv.

Motion: **SEN. WELLS MOVED TO AMEND HB 454, (Hb045403.ads), EXHIBIT 5.**

Discussion:

Mary Vandenbosch told the committee that this amendment was needed for bill clarification.

SEN. SPRAGUE asked the department to comment on the bill before the committee voted.

Jeff Hagener told the committee he would look at the amendments following the hearing. He said he was "not so excited" about the proposed amendments to the bill and indicated the bill was confusing because of a similar House bill.

SEN. SPRAGUE said HB 454 was blended with a similar bill sponsored by **SEN. MACK COLE**, SB 437. Perhaps there should be a sub-committee to deal with the two bills, he stated.

Mr. Hagener said there are two bills dealing with elk tags.

SEN. SPRAGUE asked **Mr. Hagener** if **SEN. COLE'S** bill was a broader bill.

Mr. Hagener agreed that SB 437 was a broader-based bill that included antelope and deer although he said there are good portions of HB 454.

SEN. SPRAGUE told **SEN. BISHOP** that the bill had "a long way to go."

Mary Vandenbosch said HB 454 does not legally conflict with SB 437. If both bills are passed, it will create a different method by which the department can issue free elk permits to landowners, she said.

Motion: SEN. CRISMORE MADE A SUBSTITUTE MOTION TO TABLE HB 454.
EXHIBIT(fis63a07)

Motion: SEN. SHEA MOVED HB 454 BE CONCURRED IN. She withdrew her motion.

Motion: SEN. SPRAGUE MOVED HB 454 BE CONCURRED IN AS AMENDED.
The motion carried, 9-2, with SENATORS TASH AND CRISMORE voting "no."

EXECUTIVE ACTION ON HB 282

Discussion:

SEN. WELLS told the committee that he had been asked by the sponsor of HB 282, **REP. LASZLOFFY** to present the proposed amendments to the bill. **EXHIBIT**(fis63a08)

Mary Vandenbosch said the department will tell what rules are needed. Changes will apply in March 2002, she said, noting that **SEN. WELL'S** proposed amendment did not change the effective date.

SEN. WELLS said he would prefer to send both bills to the governor and allow her to make a decision.

SEN. BUTCHER said he could see an advantage with both bills. If the governor signs both bills, he said, the bills would incorporate "a lot of federal leverage." If the bill isn't amended, he continued, the governor may veto the bill. He suggested offering the governor one year to work through her decision.

SEN. SHEA asked why the governor should be put in that position.

SEN. BUTCHER said he considered that part of her job.

SEN. SHEA said adamantly that was **not** part of the governor's job.

Motion: SEN. SHEA MOVED TO TABLE HB 282. A roll call vote was taken. **EXHIBIT**(fis63a09)

ADJOURNMENT

Adjournment: 6:35 P.M.

SEN. MIKE SPRAGUE, Chairman

ROBERTA OPEL, Secretary

MS/RO

EXHIBIT (fis63aad)